

## REMARKS

Applicant respectfully requests reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 13-26.

The following claim is *independent*: 13.

The following claims have previously been *cancelled* without prejudice or disclaimer: 1-12.

Please *amend* claim 13; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices, Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicant submits that these new claims and/or claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Applicant notes that the Office Action Summary incorrectly lists claims 15-26 as pending. Applicant respectfully submits that claims 13-26 are in fact pending.

### **Claim Rejections - 35 U.S.C. § 102**

The Office Action rejected claim(s) 13, 17, 18 and 19 under 35 U.S.C. § 102(b) as anticipated by Vallendar, European Patent No. 1046616 (hereinafter "Vallendar").

Applicant respectfully traverses the rejection and submits that a showing of anticipation has not been made and that Vallendar does not discuss every element of the noted claim(s).

Applicant submits Vallendar does not discuss or render obvious at least the following element(s) as recited, *inter alia*, in amended independent claim 13:

A water treatment unit comprising:

...

a turbulence body arranged within the metallic casing between the proximal end of the metallic casing and the metallic reacting anode, such that in use the turbulence body cleanses the metallic reacting anode by creating turbulent water flow;

wherein, the turbulence body includes a variety of perforated plates varyingly oriented in relation to each other.

The Office Action asserts the above claimed elements are shown in Vallendar and alleges:

Vallendar teach (see figures and English translation provided by Applicant) a water treatment unit including ... a turbulence body (6) [Vallendar Fig. 1 and Fig.2 element 6] arranged within the metallic casing between the proximal end and the anode; (Office Action, p. 2, § 2).

Applicant disagrees with the Examiner's characterization of the cited reference.

In direct contrast to the Examiner's assertions, Applicant submits that Vallendar essentially discusses a *device consisting of a flow guidance means in the form of a bent shape nozzle at the entrance of the device to produce rotational flow around a conical shaped electrode*. Specifically, Vallendar describes the flow guidance means in paragraph [0020]:

[t]he flow guidance means for the production of the rotational flow can exhibit at least on the electrode directed an entrance nozzle bent in extent direction against the longitudinal axis/or toward the conical lateral surface of the electrode arranged flow conduction surfaces ... [t]he entrance nozzles specified in the first place are so bent against the longitudinal axis of the electrode chamber that they give also a tangential flow component to the occurring liquid beside the axial ... . (Vallendar, [0020]).

Thus the flow guidance means described by Vallendar as a “bend-tangential jet arrangement” is formed to impress a rotational flow to “the liquid flowing into direction of arrow, which is wound in direction of flow [helically] around the electrode 5” (Vallendar, [0032]). However, Applicant submits that Vallendar’s flow guidance means that has a shape of a bent nozzle and that which produces a rotational flow is fundamentally different from the claimed “... creating turbulent water flow ... .” Accordingly, Applicant submits that Vallendar’s device with a “flow guidance means (6)” does not anticipate the claimed “a turbulence body ... creating turbulent water flow ... wherein, the turbulence body includes a variety of perforated plates varyingly oriented in relation to each other,” as recited in amended independent claim 13. For at least the reasons discussed above, Applicant submits that the pending rejection has mischaracterized the language of the claim element and/or the applied reference and, thus, has not established a case of anticipation.

The MPEP prescribes that, “when evaluating the scope of a claim, *every limitation in the claim must be considered*,” (§ 2106 II(C), emphasis added) and, “*All words in a claim must be considered in judging the patentability of that claim against the prior art.*” (§ 2143.03, emphasis added). Applicant submits that the pending rejection has failed to consider “every limitation in the claim” and “[a]ll words in [the] claim” in judging the

patentability of the claim against the prior art by mischaracterizing claim elements and/or over-generalizing the applied reference(s).

Accordingly, Applicant submits that a showing of anticipation has not been established and respectfully requests reconsideration and withdrawal of this basis of rejection and allowance of the claim(s). Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner provide specific citations and explanations describing how each and every element of the pending claims are allegedly anticipated by the cited reference, providing indications of specific, alleged correspondences between claim elements and cited portions of the applied reference; more specifically, Applicant respectfully requests additional clarification as to how and specifically why the Examiner believes “flow guidance means (6)” described in Vallendar, is allegedly analogous to the claimed “a turbulence body .. creating a turbulent water flow ... wherein, the turbulence body includes a variety of perforated plates varyingly oriented in relation to each other,” as recited in amended independent claim 13.

Because the pending rejection has not established a *prima facie* case of anticipation by neglecting and/or mischaracterizing claim elements and because the applied reference does not discuss or render obvious at least the claim elements discussed above, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection. Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner provide specific citations and explanations describing how each and every element of the pending claims are allegedly anticipated by the cited reference, providing indications of specific, alleged correspondences between claim elements and cited portions of the applied reference.

As such, Applicant respectfully submits that at least these claim elements of independent claim 13 are not anticipated by Vallendar. Furthermore, Applicant submits that claims 17, 18 and 19, which depend directly or indirectly from independent claim 13, are also not discussed or rendered obvious by Vallendar for at least similar reasons as those discussed above identifying deficiencies in the applied references with regard to the independent claim. Accordingly, Applicant respectfully requests reconsideration and withdrawal of these grounds of rejection.

### **Claim Rejections - 35 U.S.C. § 103**

The Office Action rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Vallendar. The Office Action rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Vallendar, in view of Long, Jr. et al., US Patent No. 7,135,155 (hereinafter “Long”). The Office Action rejected claims 20-26 under 35 U.S.C. § 103(a) as being unpatentable over Vallendar, in view of Hargash, US Patent No. 3,677,522 (hereinafter “Hargash”).

Applicant respectfully traverses these rejections and submits that a *prima facie* showing of obviousness has not been made and that the applied references, taken alone or in combination, fail to discuss or render obvious every element of each noted claim(s).

MPEP § 706.02(j) prescribes that a rejection under 35 U.S.C. § 103 should set forth:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate;
- (B) the difference or differences in the claim over the applied reference(s);

(C) the proposed modification of the applied reference(s) to arrive at the claimed subject matter; and  
(D) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made. (MPEP § 706.02(j))

Applicant submits that the rejections in the pending Office Action do not establish at least requirement(s) (A) and (B) of a *prima facie* showing of obviousness.

Regarding dependent claims 14-16 and 20-26, Applicant submits that Vallendar's device comprising a conical electrode and a bent shape flow guidance means that produce rotational flow does not discuss or render obvious the claimed elements for at least the reasons discussed above identifying the deficiencies in the cited reference with regard to the independent claim 13. Further, these deficiencies are not remedied by Long, which discusses "a catalytic cavitation reactor" (Long, Abstract) or by Hagarsh, which discusses "a device for dispersing, dissolving and/or mixing viscous materials" (Hagarsh, Abstract) for at least the reasons discussed above identifying deficiencies in the cited reference with regard to the independent claim 13.

Accordingly, by neglecting and/or mischaracterizing claim elements, Applicant submits that a *prima facie* showing of obviousness has not been established and thus the applied reference(s) do not discuss or render obvious at least these claimed elements. As such, Applicant respectfully requests reconsideration and withdrawal of this basis of rejection and allowance of the claim(s). Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner provide specific citations and explanations describing how each and every element of the pending claims are allegedly rendered obvious by the cited reference, providing indications of specific, alleged correspondences between claim elements

and cited portions of the applied reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of these grounds of rejection.

### **CONCLUSION**

Consequently, the reference(s) cited by this Office Action and/or any previous office action(s) (hereinafter "Office Action(s)") do not result in the claimed invention(s), there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed invention(s) are not admitted to be prior art. Also, Applicant does not accept, admit, and/or concede to any Official Notice that has been taken and/or (mis)characterizations of claims made in the Office Action(s). Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 13-26, all: overcome all rejections and/or objections as noted in the Office Action(s), are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements and/or bases for rejection were not discussed as they have been rendered moot based on the above amendments and/or remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art and reserves the opportunity to more particularly traverse, remark and/or distinguish over any such remaining claim elements and/or bases for rejection at a later time, should it become necessary. Further, any remarks that were made in response to any Office Action(s) objection and/or rejection as to any one claim element, and

which may have been re-asserted as applying to other Office Action(s) objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim element(s), and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim element(s) have been anticipated and/or rendered obvious by any of the cited reference(s) and/or any Official Notice. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.



**Authorization**

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17233-013. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17233-013.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,  
*Attorney(s) for Applicant,*  
CHADBOURNE & PARKE LLP

Dated: January 14, 2010

By: /Daniel C. Sheridan/  
Daniel C. Sheridan  
Registration No.: 53,585

**Correspondence Address:**

CHADBOURNE & PARKE LLP  
30 Rockefeller Plaza  
New York, NY 10112

212-408-5100 (Telephone)  
212-541-5369 (Facsimile)  
patents@chadbourne.com (E-mail)